

SUPREME COURT OF MINNESOTA

In re Reinstatement of Crosby

825 N.W.2d 386 (Minn. 2013) · Decided January 24, 2013

SUMMARY

The Minnesota Supreme Court reinstated Anthony D. Crosby to the practice of law after his five-year suspension for theft by swindle. The court placed him on supervised probation for two years, subject to conditions concerning compliance with professional-conduct rules, supervision, cooperation with the Director, and submission of a practice plan.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Alan C. Page
JURISDICTION	Minnesota
DECIDED	January 24, 2013
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought reinstatement to the practice of law after serving a five-year suspension. Following a hearing, a panel of the Lawyers Professional Responsibility Board recommended reinstatement subject to two years of supervised probation, and the Director deferred to that recommendation.
PRECEDENTIAL VALUE	Published Minnesota Supreme Court per curiam order

TOPICS

appellate procedure

PRACTICE AREAS

legal ethics

attorney discipline

bar reinstatement

QUESTIONS PRESENTED

1. Whether Crosby established the moral fitness required for reinstatement to the practice of law.
2. Whether reinstatement should be conditioned on two years of supervised probation and specified monitoring requirements.

HOLDINGS

1. Crosby established by clear and convincing evidence that he was morally fit to resume the practice of law, warranting reinstatement.
2. Crosby was reinstated to the practice of law subject to two years of probation and the conditions specified in the order, including cooperation with monitoring, compliance with the Minnesota Rules of Professional Conduct, appointment of a supervising attorney, and submission of a written practice plan.

KEY QUOTATIONS

“The panel found that petitioner has proven by clear and convincing evidence that he is morally fit to resume the practice of law.” (387)

“IT IS HEREBY ORDERED that petitioner Anthony D. Crosby be reinstated to the practice of law and placed on probation for a period of two years” (387)

FACTUAL BACKGROUND

Anthony Durriell Crosby was suspended from the practice of law in 1998 for five years after committing theft by swindle. In April 2012, he applied for reinstatement, and a Lawyers Professional Responsibility Board panel found by clear and convincing evidence that he was morally fit to resume practicing law. The panel recommended reinstatement with two years of supervised probation, and the Director deferred to that recommendation.

PROCEDURAL HISTORY

The Minnesota Supreme Court had suspended Anthony D. Crosby from practicing law for five years in 1998. Crosby applied for reinstatement in April 2012; the Lawyers Professional Responsibility Board panel found that he had established his moral fitness by clear and convincing evidence and recommended reinstatement with supervised probation. The Supreme Court adopted the recommendation and ordered reinstatement subject to specified probation conditions.

DISPOSITION

other

CASES CITED

- In re Crosby, 577 N.W.2d 711, 711 (Minn. 1998) (order)
- In re Swanson, 343 N.W.2d 662, 664 (Minn. 1984)

OPINION

PER CURIAM.

ORDER In April 1998 we suspended petitioner Anthony Durriell Crosby from the practice of law for five years for committing theft by swindle. In re Crosby, 577 N.W.2d 711, 711 (Minn.1998)

(order). Petitioner applied for reinstatement in April 2012, and a *387hearing was held before a panel of the Lawyers Professional Responsibility Board.

The panel found that petitioner has proven by clear and convincing evidence that he is morally fit to resume the practice of law. See *In re Swanson*, 343 N.W.2d 662, 664 (Minn.1984) (providing that the burden is on the attorney to establish by clear and convincing evidence the moral fitness to resume the practice of law).

The panel recommends that petitioner be reinstated to the practice of law and placed on supervised probation for a period of two years. The Director defers to the panel's recommendation. Based upon all the files, records, and proceedings herein, IT IS HEREBY ORDERED that petitioner Anthony D. Crosby be reinstated to the practice of law and placed on probation for a period of two years, subject to the following terms and conditions: (a) Petitioner shall cooperate fully with the efforts of the Director's office to monitor compliance with this probation.

Petitioner shall promptly respond to the Director's correspondence by the due date. Petitioner shall cooperate with the Director's investigation of any allegations of unprofessional conduct that may come to the Director's attention. Upon the Director's request, petitioner shall authorize the release of information and documentation to verify compliance with the terms of this probation; (b) Petitioner shall abide by the Minnesota Rules of Professional Conduct; (c) Petitioner shall be supervised by a licensed Minnesota attorney appointed by the Director to monitor compliance with the terms of this probation.

Within 30 days of the date of filing of this order, petitioner shall provide the Director with the names of four attorneys who have agreed to be nominated as petitioner's supervisor. If, after diligent effort, petitioner is unable to locate a supervisor acceptable to the Director, the Director will seek to nominate a supervisor. Until a supervisor has signed a consent to supervise, petitioner shall, on the first day of each month, provide the Director with an inventory of client files as described below and shall make active client files available to the Director upon request; (d) Petitioner shall cooperate fully with the supervisor's efforts to monitor compliance with this probation; and (e) Within 60 days of the date of filing of this order, petitioner shall provide the Director and his probation supervisor, if one has been appointed, with a detailed written plan outlining his plans to practice law.

Petitioner shall update the plan whenever any change in his practice occurs. Petitioner shall provide the Director and his probation supervisor with progress reports as they may request. BY THE COURT: /s/- Alan C. Page Associate Justice